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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,840	04/21/2004	Robert Wallace Martin	6301P0160US	5309
41528	7590	08/11/2005	EXAMINER	
THE LAW OFFICE OF RANDALL T. ERICKSON, P.C. 425 WEST WESLEY STREET, SUITE 1 WHEATON, IL 60187			BATSON, VICTOR D	
		ART UNIT	PAPER NUMBER	
		3671		
DATE MAILED: 08/11/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/828,840	MARTIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Victor Batson	3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-18 is/are allowed.
- 6) Claim(s) \_\_\_\_ is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/13/04, 6/24/05
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_.

## DETAILED ACTION

This application is in condition for allowance except for the following formal matters:

See claim objections below.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

### *Claim Objections*

Claims 1-14,17 are objected to because of the following informalities: In claim 1, applicant first establishes antecedent basis for "a primary product hose", "a secondary product hose" and "an air supply hose", however applicant then refers to "the primary product supply hose" and "the secondary product supply hose" and "said primary product hose" thereby creating confusion as to which hose is being referred to. In claim 1 line 26, it appears that "the" should be inserted before "splitter fitting". In claim 5 lines 4 & 6, "the plurality of fingers" and "the fingers" lack proper antecedent basis. In claim 5 line 5, "the transversely extending rod" lacks proper antecedent basis and it appears that in line 3, "transverse" should be changed to "transversely extending". In claim 6 lines 13-15, "the flow velocity vector" lacks proper antecedent basis. In claim 6 line 14, "the intersection" lacks proper antecedent basis. In claim 6, "the product supply hose", "the product outlet" and "the secondary product supply hose" lack proper antecedent basis. In claim 8 line 4, "the product hoses" lacks proper antecedent basis. In claim 10

lines 3-4, "the plurality of fingers" lacks proper antecedent basis. In claim 10 line 6, "the transversely extending rod" lacks proper antecedent basis and it appears that in line 3, "transverse rod" should be changed to "transversely extending rod". In claim 11 line 25, "the product supply hose" lacks proper antecedent basis. In claim 13 line 5, it appears that "wherein" should be inserted before "gaps". In claim 14 lines 4-6, "the baffles", "the gaps" and "the adjacent baffles" lack proper antecedent basis. In claim 17 line 3, "the product meter" lacks proper antecedent basis. In claim 17 line 2, "the product supply" lacks proper antecedent basis. Appropriate correction is required.

***Allowable Subject Matter***

Claims 1-18 are allowed.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Batson whose telephone number is (571) 272-6987. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will can be reached on (571) 272-6998. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 8, 2005



Victor Batson  
Primary Examiner  
Art Unit 3671